

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**MARIA DE LOS A. RIVERA SERRANO**

**DEBTOR(S)**

**CASE NUMBER: 10-09122 (ESL)**

**CHAPTER 13 ASSET CASE)**

**DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE**

**THE HONORABLE COURT:**

**COMES NOW**, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

**a. In order to cover insufficient base with Chapter 13 plan, it became insufficient after confirmation.**

3. Debtor (s) amend plan call twelve (12) payment of \$575.00 and forty eight (48) payments of \$750.00 for a total base of \$42,900.00 dollars with a provision for the arrears payments to Asoc. De Condomines, account ending number-05-B and for the arrears payments of RG Mortgage, account ending number-9308.

**WHEREFORE**, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

**NOTICE**

"Parties in interest are notified they have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter an order granting the motion upon the filing of a certificate of service by the movant that adequate notice was given. Should an opposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 8<sup>th</sup>, day of February 2011.

**I HEREBY CERTIFY:** That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **José R. Carrión Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

**RESPECTFULLY SUBMITTED.**

**/s/ Marilyn Valdes Ortega**  
**MARILYN VALDES ORTEGA**  
USDC PR 214711  
P.O. Box 19559  
San Juan, PR 00919-5596  
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United States Bankruptcy Court  
District of Puerto Rico

IN RE:

RIVERA SERRANO, MARIA DE LOS ANGELES

Debtor(s)

Case No. 10-09122-ESL

Chapter 13

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☐ directly ☒ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED:

☐ PRE ☐ POST-CONFIRMATION

☒ AMENDED PLAN DATED: 2/08/2011

Filed by: ☒ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ 575.00 x 12 = \$ 6,900.00  
\$ 750.00 x 48 = \$ 36,000.00  
\$ x = \$  
\$ x = \$  
\$ x = \$

TOTAL: \$ 42,900.00

Additional Payments:

\$ to be paid as a LUMP SUM  
within with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in  
addition to the above:

\$ x = \$

PROPOSED BASE: \$ 42,900.00

III. ATTORNEY'S FEES  
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee  
Disclosure Statement: \$ 2,574.00

*Additional Fees 350.00*  
*Balance 2924.00*

Signed: /s/ MARIA DE LOS ANGELES RIVERA SE  
Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. ASOC. COND. COND Cr. R-G MORTGAGE Cr.

# 157-05B # 1239308 #

\$ 10,129.82 \$ 12,197.44 \$

2. ☐ Trustee pays IN FULL Secured Claims:

Cr. Cr. Cr.

# # #

\$ \$ \$

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. Cr. Cr.

# # #

\$ \$ \$

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:  
R-G MORTGAGE

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.  
11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:

☐ Paid 100% / ☐ Other:

Cr. Cr. Cr.

# # #

\$ \$ \$

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)  
See Continuation Sheet

Attorney for Debtor Marilyn Valdes Ortega Law Offices

Phone: (787) 758-4400

Debtor(s)

**CHAPTER 13 PAYMENT PLAN**

Continuation Sheet - Page 1 of 1

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR 11 USC 330.

EQUAL MONTHLY PAYMENT TO ASOC. DE CONDOMINES CONDOMINIO BRISAS DE MONTEFLORES AFTER CONFIRMATION \$317.00 MONTHLY TO BE PAID BY THE TRUSTEE, MONTHS (7-50)

EQUAL MONTHLY PAYMENT TO RG MORTGAGE AFTER CONFIRMATION OF \$200.00 MONTHS (7-50)

RG MORTGAGE: PO BOX 362394 SAN JUAN PR 00936-2394

ASOC. DE CONDOMINES CONDOMINIO BRISAS DE MONTEFLORES : C/O PREFERRED HOME SERVICES, INC. PO BOX 4069 BAYAMON PR 00958-1069

PLAN 100% PLUS 6% INT. PER ANNUM

TRUSTEE TO RETAIN JURISDICTION OVER COMPLAINT AGAINST COOPARATIVA A/C GUAYNABO.

TAX REFUNDS, IF ANY ARE RECEIVED BY DEBTOR, WILL BE TENDERED TO THE TRUSTEE AS A PERIODIC PAYMENT TO FUND THE PLAN UNTIL PLAN COMPLETION IN ADDITION TO PAYMENTS PROVIDED HEREIN. IF DEBTOR(S) NEED TO USE ANY PART OF THESE FUNDS, PROPER AUTHORIZATION WILL BE SOUGHT THE COURT FOR SUCH PURPOSE.

FAILURE TO TIMELY OBJECT TO THIS PLAN CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT UNDER 11 USC 1325(a)(5).

RIVERA SERRANO MARIA DE LOS  
ANGELES  
COND BRISAS DE MONTEFLORES  
2005 CALLE SAGRADO CORAZON APT 5B  
SAN JUAN PR 00915

R-G MORTGAGE  
PO BOX 362394  
SAN JUAN PR 00936-2394

MARILYN VALDES ORTEGA LAW OFFICES  
PO BOX 195596  
SAN JUAN PR 00919-5596

ASOC COND COND BRISAS DE M FLORES  
C/O PREFERRED HOME SERVICES INC  
PO BOX 4069  
BAYAMON PR 00958-1069

COOP A/C DE GUAYNABO  
CARRAZO # 66 BOX-1299  
GUAYNABO PR 00970

DEPARTAMENTO DE HACIENDA  
PO BOX 9024140  
OFICINA 424 B  
SAN JUAN PR 00902

DEPARTAMENTO DEL TRABAJO  
AVE MUÑOZ RIVERA 505  
HATO REY PR 00918

FEDERAL LITIGATION DEPT OF JUSTICE  
PO BOX 9020192  
SAN JUAN PR 00902-0192

FIRST PREMIER BANK  
PO BOX 5519  
SIOUX FALLS SD 57117-5519

INTERNAL REVENUE SERVICE  
PO BOX 21126  
PHILADELPHIA PA 19114-0326

PR TELEPHONE CO  
PO BOX 70239  
SAN JUAN PR 00936